

Congress of the United States
House of Representatives
Washington, DC 20515

January 9, 2017

The Honorable Kirstjen M. Nielsen
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Nielsen:

This is to request your reconsideration of the numerical limit for the Commonwealth-Only Transitional Worker (CW) classification set for Fiscal Years 2018 and 2019¹ to minimize adverse economic and fiscal effects on the Northern Mariana Islands, while Congress works on a legislative solution to the continuing labor needs of the islands' economy. Limits of 12,997 for Fiscal Year 2018 and 12,996 for Fiscal Year 2019 would accomplish this goal.

Among the reasons the Department cites for the aggressive reduction announced for Fiscal Years 2018 and 2019 is the enactment of the Northern Mariana Islands Economic Expansion Act (NMIEEA). Because Congress amended the CW program but did not extend it, the Department concludes² that Congress intends to allow the program to terminate. In fact, a bipartisan, bicameral working group representing the committees of jurisdiction over the Northern Marianas and immigration issues is developing legislation to overhaul and extend the CW program beyond 2019. Introduction of this legislation is expected early this year; and the experience of the NMIEEA indicates that enactment can be achieved in this Congress.

This is an urgent request. Since DHS announced a cut of 3,000 in the CW-1 cap for FY 2018, U.S. Citizenship and Immigration Services has already begun rejecting petitions for hundreds of workers who are essential to the operations of businesses and organizations across the Commonwealth economy.

These rejected petitions include critical health care workers and power plant operators, which Congress identified as priority occupations in the NMIEEA, as well as hotel and restaurant managers and staff; accountants and bookkeepers; caregivers for elderly and disabled individuals; mechanics; heavy equipment operators; property maintenance workers and housekeepers; teachers; security guards; salon employees; tour operators; and many others in virtually every sector on Saipan, Tinian, and Rota. Several employers have informed the congressional office of their need to significantly scale back operations, or shut down completely. Many of these businesses are long-time, locally-owned companies who employ U.S. citizens as well.

¹ DHS CNMI-Only Transitional Worker Numerical Limitation for Fiscal Years 2018 through 2020. 82 Fed. Reg. 55493 (Nov. 22, 2017).

² *Id.* at 55494

The Department's published numerical limit of 4,999 for Fiscal Year 2019 will be even more devastating. The U.S. Citizenship and Immigration Services will begin accepting CW petitions for Fiscal Year 2019 on April 1, and will begin rejecting petitions, once it has received enough to meet the cap. Without a change in the cap, it can be expected that the applications for half of the current CW workforce of 9,998 will be rejected. The Government Accountability Office has estimated³ that the loss of all CW workers would reduce gross domestic product in the Marianas from 26 to 62 percent. Expected loss of half of these workers would have a correspondingly adverse effect.

Given this GAO analysis and the dependence of all workers—U.S. and foreign—on overall economic activity, the reduction of permits the Department has announced could be expected to reduce the number of jobs held by U.S. workers. Rather than protecting the interests of the U.S. workers the economy now employs, as directed by the President's Buy American and Hire American Executive Order, the Department's decision could have the opposite result.

In order to prevent further significant disruption to the Northern Marianas economy and the loss of U.S. jobs, and to give Congress time for thorough consideration of replacement legislation, I request that you rescind the announced caps for Fiscal Year 2018 and 2019, reset the FY 2018 cap to 12,997, and reset the FY 2019 cap to 12,996.

Thank you for your consideration of these requests. Please let me know if you have any questions. Your staff may also contact our senior legislative assistant, Ms. Frances Diaz, at (202) 225-2646 or frances.diaz@mail.house.gov.

Sincerely,



GREGORIO KILILI CAMACHO SABLÁN
Member of Congress

³ Commonwealth of the Northern Mariana Islands - Implementation of Federal Minimum Wage and Immigration Laws, Government Accountability Office (2017), p. 23.